



Senate

General Assembly

February Session, 2002

File No. 251

Senate Bill No. 556

Senate, April 2, 2002

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING CERTAIN LAND RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47-10 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) No conveyance shall be effectual to hold any land against any
4 other person but the grantor and his heirs, unless recorded on the
5 records of the town in which the land lies. When a conveyance is
6 executed by a power of attorney, the power of attorney shall be
7 recorded with the deed, unless it has already been recorded in the
8 records of the town in which the land lies and reference to the power
9 of attorney is made in the deed.

10 (b) A conveyance that is otherwise effective and properly recorded
11 in accordance with subsection (a) of this section shall not be invalid or
12 unenforceable because the original documentation evidencing such
13 conveyance is converted into digital or electronic form or is lost or

14 destroyed at any time after such recordation.

15 Sec. 2. Section 7-25 of the general statutes, as amended by public act
16 01-74, is repealed and the following is substituted in lieu thereof
17 (*Effective October 1, 2002*):

18 Each town clerk shall, within five days after receipt of an instrument
19 for record, enter the names of all the grantors in a grantor index and all
20 the grantees in a grantee index, in alphabetical order, and cross-
21 indexed as to the party first identified as grantor or grantee on the
22 instrument, the nature of the instrument, the date of its receipt as
23 endorsed upon the recorded instrument and thereafter, when available
24 for entry, the book and page of such instrument or other suitable
25 indication of its location approved by the Public Records
26 Administrator. If such instrument is an assignment of mortgage,
27 collateral assignment of mortgage, subordination of mortgage or other
28 transfer of an interest in a mortgage, the mortgagor shall be deemed an
29 additional grantor for purposes of this section. If such instrument is a
30 grant or assignment of a mortgage to a party designated in the
31 mortgage or assignment as the nominee for another, such nominee
32 shall be deemed to be the grantee of such mortgage or assignment for
33 purposes of this section. If such instrument affects real property, the
34 index shall include a reference to the location of such property, if
35 contained in such instrument. Such general index shall be a permanent
36 public record.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill specifies that a properly recorded real estate conveyance is not invalidated because the original documentation evidencing such conveyance is converted into digital form, lost, or destroyed after recordation. The bill also requires town clerks to enter the names of nominees into the grantee index if such nominee is deemed to be the grantee of such mortgage or assignment, conforming statute to current practice. These statutory changes clarify certain procedures and do not result in a fiscal impact.

OLR Bill Analysis

SB 556

AN ACT CONCERNING CERTAIN LAND RECORDS**SUMMARY:**

By law, a real estate conveyance must be recorded on the land records of the town where the real estate is located to be effective against anyone other than the grantor and his heirs. (In real estate law, the person conveying title or some other interest in real estate is called a grantor, and the person receiving the title or other interest is called a grantee.) The bill specifies that a conveyance that is otherwise effective and properly recorded is not invalid or unenforceable merely because the original documents evidencing it are converted into digital or electronic form, lost, or destroyed after the town clerk recorded it.

The law requires each town clerk, within five days after receiving an instrument for recording, to enter the names of all the grantors in a grantor index and all the grantees in a grantee index, in alphabetical order, and cross-indexed as to the party first identified as grantor or grantee on the instrument, the nature of the instrument, and the date of its receipt as endorsed upon the recorded instrument. Attorneys and others use this index to conduct title searches.

The bill specifies that if an instrument is a grant or assignment of a mortgage to a party designated in it as the nominee for another, the nominee is deemed to be the grantee of such mortgage or assignment. Thus, the bill requires town clerks to record the nominee's name in the grantee index.

A nominee is someone who is designated to act in someone else's place, usually in a limited way (*Black's Law Dictionary, Seventh Edition*).

EFFECTIVE DATE: October 1, 2002

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 37 Nay 0